

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 34489

STATE OF IDAHO,)	2008 Unpublished Opinion No. 424
)	
Plaintiff-Respondent,)	Filed: April 11, 2008
)	
v.)	Stephen W. Kenyon, Clerk
)	
JARED CAMERON SUITTER,)	THIS IS AN UNPUBLISHED
)	OPINION AND SHALL NOT
Defendant-Appellant.)	BE CITED AS AUTHORITY
)	

Appeal from the District Court of the Seventh Judicial District, State of Idaho, Bonneville County. Hon. Gregory S. Anderson, District Judge.

Order relinquishing jurisdiction and ordering into execution previously imposed sentence, affirmed.

Molly J. Huskey, State Appellate Public Defender; Jason C. Pintler, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Lori A. Fleming, Deputy Attorney General, Boise, for respondent.

PER CURIAM

Jared Cameron Switter was charged with possession of a controlled substance, methamphetamine with intent to deliver and possession of a controlled substance, Oxycodone. Pursuant to a plea agreement, Switter pled guilty to possession of methamphetamine with intent to deliver, I.C. § 37-2732(a)(1)(A), and the state agreed to dismiss the remaining charge and three other cases. The district court sentenced Switter to a unified term of six years, with two years determinate and retained jurisdiction. After Switter completed his rider, the district court relinquished jurisdiction. Switter appeals, contending that the district court abused its discretion by not reducing his sentence *sua sponte* upon relinquishing jurisdiction.

Where a sentence is within the statutory limits, it will not be disturbed on appeal absent an abuse of the sentencing court's discretion. *State v. Hedger*, 115 Idaho 598, 604, 768 P.2d 1331, 1337 (1989). We will not conclude on review that the sentencing court abused its

discretion unless the sentence is unreasonable under the facts of the case. *State v. Brown*, 121 Idaho 385, 393, 825 P.2d 482, 490 (1992). In evaluating the reasonableness of a sentence, we consider the nature of the offense and the character of the offender, applying our well-established standards of review. See *State v. Hernandez*, 121 Idaho 114, 117-18, 822 P.2d 1011, 1014-15 (Ct. App. 1991); *State v. Lopez*, 106 Idaho 447, 449-51, 680 P.2d 869, 871-73 (Ct. App. 1984); *State v. Toohill*, 103 Idaho 565, 568, 650 P.2d 707, 710 (Ct. App. 1982). When reviewing the length of a sentence, we consider the defendant's entire sentence. *State v. Oliver*, 144 Idaho 722, 170 P.3d 387 (2007).

The decision to place a defendant on probation or whether, instead, to relinquish jurisdiction over the defendant is a matter within the sound discretion of the district court and will not be overturned on appeal absent an abuse of that discretion. *State v. Hood*, 102 Idaho 711, 712, 639 P.2d 9, 10 (1981); *State v. Lee*, 117 Idaho 203, 205-06, 786 P.2d 594, 596-97 (Ct. App. 1990).

We conclude that the district court did not abuse its discretion in relinquishing jurisdiction and in ordering into execution the previously imposed sentence without *sua sponte* modification. Therefore, the district court's order relinquishing jurisdiction and imposing sentence is affirmed.